

REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, JULY 22, 2020
AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony J. Trevisani
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Police Chief Mike Inserra
Highway Foreman Chris Moran
Assessor Clerk Teresa Webb
Highway Foreman Gerald Webb
Assess Darlene Abbatecola (Late)
Town Clerk Gail Wolanin Young
Deputy Clerk I Melody K. Fancett

Thereafter, the Supervisor declared a quorum present for the transaction of business.

Conifer Realty Project – Woods Road Resident Petition:

Town Attorney Cully presented the Town Board and read aloud a signed petition received in the Town Clerk's Office on June 29, 2020 from six (6) Residents of Woods Highway Road (Petition was signed & showed residents addresses) that states they are residents and/or landowners of Woods Highway and are in favor of the Town Board voting to allow the Conifer Realty to move forward with their Woods Trail Apartment Development and Waterline.

Farmington, New York Letter – Woods Trail Apartments – Conifer Realty

Town Attorney Cully read aloud an endorsement letter submitted to the Town Board from Peter Ingalsbe, Supervisor of the Town of Farmington, New York. The letter describes the Town's recent working experience with Conifer Realty and expresses how conifer will be an asset to the

Town of New Hartford along with the community benefits. Said letter was circulated to the Town Board members and filed in the Town Clerk's Office for public viewing.

Supervisor Miscione stated a representative from New York State Housing will be at the July 29, 2020 Public Hearing to explain what kind of affordable housing, what the investment to the Town will be that Conifer has along with the process of the project.

Councilman Messa asked if other petitions were also received.

Town Resident Lisa Britt presented Town Attorney Cully and the Town Board a copy of a letter previously received in June 2020 along with a petition (signatures only, no addresses attached). Town Attorney Cully read said letter aloud, and requested said letter and petition be circulated to the Town Board Members and available to the public. Said letter and petition are 4th Ward residents opposed to Supervisor Miscione casting a vote regarding the zoning change on Woods Highway related to the Conifer Project due to his conflict of interest and his ownership of property on the corner of woods Highway & Seneca Turnpike. Said letter states said residents were opposed to the June 17, 2020 Public Hearing of said project due to access limitation due to the COVID 19 Pandemic. The letter continues to state the resident feel the Town Board & the Planning Board have not followed proper procedures for a zoning overlay change and have a disregard for the laws. They feel the project is too big for the area and the water runoff will negatively impact these residents and their property. The residents also feel the property is poorly drained due to the soil and will cause extensive flooding to the adjacent properties. They feel this project will endanger the health and safety of young children, veterans, economically disadvantaged & other vulnerable populations due to harmful utility locations.

Town Attorney Cully asked 4th Ward resident Lisa Britt to submit addresses to accompany the signatures of said petition & letter which has about 30 or 35 signatures to verify they are all 4th ward residents.

Supervisor Miscione wanted to clarify the Conifer Project has changed from 48 acres to 24 acres which is near the power plant. He stated this project is a New York State funded project and a representative from New York State will be at the Public Hearing to discuss the project and he clarified that because it's a New York State funded project that no elected official or a family of any official can be involved in the project nor can gain financially from this project in any way. Supervisor Miscione also clarified his property does not adjoin the property in question but that he could not be involved in any way because he is a public official.

4th Ward Resident Lisa Britt asked if the 48 acres has been subdivided.

Supervisor Miscione replied he was unsure because it is not his project and the application for a zoning change has been submitted to the Town Board for 24 of those acres. He said the Planning Board will take care of the subdivision of the land. The project in front of the Town Board is for a zoning change for 24 acres across from the power authority only and that's what the Town Board will be voting on.

PUBLIC COMMENT:

Linda Flihan – she has been a resident of New Hartford for over 20 years. She stated to the Town Board that she walks miles every day through her entire subdivision and she observes a number of things. She was very concerned when a four way stop sign on Ironwood Road & Viburnum Lane just popped up. She stated she has heard a lot of rumors and is concerned as to why this is happening. She understands residents are concerned about children but then says the older children will have no regard for a stop sign. She feels the parents need to take responsibility for the oblivious children and a stop sign is not needed to protect the children. She sees adults go right through the stop sign without hesitation.

Town Attorney Cully explained to Linda Flihan that tonight the Town Board will vote to move forward with a Public Hearing for a Local Law with regards to the stop sign. He explained if they do vote to hold a Public Hearing the residents will be notified and at that point, all the residents will have the opportunity to address the Town Board with any concerns and/or comments. He further explains that it was his understanding that over 100 residents in Linda Flihan's neighborhood signed a petition all asking for that sign.

Town Attorney Cully then read aloud a letter from Rianna Rosario & her husband which was sent to the Town Board that indicated in late March & April they became aware of the serious need for the signs. They stated once the children were out of school due to the COVID and home much more frequently due to no school or sports etc. they realized this corner was a big problem for the safety of the children. They witnessed many people coming from Valley View Road and speeding through this corner onto Ironwood Road and not paying attention to the cross section of Viburnum Place. They expressed how difficult it is to see children from Viburnum Place and vice versa. They believe the stop signs were very much needed and it provides them a piece of mind that it will help with the safety of the children. She continued to say how she was informed recently about a child in the past that was stuck by a car years ago at this intersection. She concludes her letter that many neighbors are in full support of this stop sign.

Town Attorney Cully then reiterates the process going forward relating to the stop sign process and explained that the signs were inadvertently put up and the Town Board now needs to go through the process to make the signs legal by scheduling a Public Hearing which will be done tonight and the public can comment then a vote will be taken.

Linda Flihan corrected the information in the letter and said the incident with the kid who was struck by the car in years past was in fact the kid on the bike who ran right into the car and the bicyclist was at fault.

Supervisor Miscione stated many residents would like to attend this public hearing to discuss events they recently witnessed. He said another child was recently almost hit by another vehicle at this intersection which is why the sign was put up in the manner it did.

Councilman Reynolds stated the Public Hearing should be prior to any action of putting up the sign.

Supervisor Miscione agreed with Councilman Reynolds but then said this was a different situation and because of the COVID pandemic the kids are all home and outside and the Town has already been put on notice years ago by a law firm due to this intersection. He said the same law firm put the Town on notice again recently with Town Attorney Cully (who verified they did). He further states that the Local Law is to enforce the stop sign not to put the stop sign up and that the Town has stop signs all over the Town that are not enforceable due to any legal action taken; however, that people due stop and it's for the safety. He stated that the entire neighborhood within 500 feet of the sign are all in favor of it and happy it was put up.

The Town Board discussed the Public Hearing and was interrupted by a resident Jerome Donovan who requested to be heard on this matter before the Town Board.

Town Attorney Cully explained to Mr. Donovan that a citizen raised a concern and that concern is being followed up with the discussion of a Public Hearing who a Board Member already stated he would like to go forward with the Public Hearing for consideration of a Local Law.

Jerome Donavan – Wanted to follow up on a point that Linda Flihan had made regarding the incident of the child getting struck by a vehicle which was in 2014 and he sent the Board members that information. He said it was an accident where a young man came down Viburnum Lane and ran right into the side of the vehicle that was legally going through the intersection. He said the Police reported the incident but can't find that particular blotter. He said the driver of the vehicle was not cited and the youngster was found at fault. He said the family sued the driver and lost in Court. He told the Town Board the signs went up a month ago and he contacted the Town Supervisor that very day. He told the Board he's very familiar with Town laws, the neighborhood incidents and the children. He continued to say that the children sit at that intersection for any length of time, and only one car will go through at any time. He told the Town Board that a number of his neighbors and himself felt ambushed by the impulsive actions of the Town Supervisor, that without proper legal, or procedural, no traffic analysis, no proper

notice to residents and/or the Town Board that the Supervisor unilaterally ordered the Town Highway Department to install additional traffic signs in the South Woods Subdivision. He asked the Town Board in correspondence and again tonight where the statutory authority comes from. He told the Town Board that this is an abuse in power and requested the Town Board to overturn the actions of the Supervisor. He requested that the illegal and unauthorized signs be removed immediately. He told the Board if they subsequently choose to place signs at this intersection, then he requests it be done properly, following legal procedures with advanced notification to all sub-division residents, using traffic data and the required Public Hearing where the Merritt's can be debated. He feels the Town Board had a lack of knowledge and oversight in this instance.

Town Attorney Cully asked for the names of the neighbors he has been referring to in his above comments and Mr. Donovan refused and said many won't come to these meeting due to the COVID Pandemic and he further stated that some were there tonight so they can give their own names. He informed the Board that he has not circulated a petition.

Town Attorney Cully reiterated that Mr. Donovan firmly stated that his neighbors were against the signs and asked again for their names.

Mr. Donovan again refused such information to the Board.

Supervisor Miscione stated this is not an abuse of power that it was for the safety of the children in the neighborhood and many residents requested this sign. He said due to the pandemic a lot has changed this summer and decisions needed to be made. He told the Board that at the end of the day it keeps the children safe and the Board can vote on a Public Hearing if they choose. He informed the Board that in the City of Utica, they put up stop signs sixty (60) days before a Public Hearing is held when they feel it is a safety concern. He told the Board the Law that's in question is to make the stop sign enforceable with tickets and that was not the object in this case and that his only objective was to keep the children safe throughout the summer.

Supervisor Miscione then requests the Town Board to make a motion for the Public Hearing for Local Law for the stop signs and also for the residents who want the signs to stay so they can come and speak at the Public Hearing.

Councilman Messa agrees with what some residents spoke on and feels the sign laws should have been followed. He was discouraged he was not contacted on the issue.

Supervisor Miscione stated he contacted all the Board members and spoke with those that contacted him back, especially Councilman Lenart who represents this district. He explained to the Board that he had votes, the petition and the support of the residents and he further stated

these signs are not about him or about power but for the safety of the children in the neighborhood. Supervisor Miscione also expressed concern for another child who was almost hit recently and was seen by many. He then asked the Board why years ago when a law firm and the Town attorney put the Town on notice after the first child's accident why the Board did not act and install a signs then and why anyone would blame a child stating it's a child's fault. He continued to make the statement that once there's an accident at any intersection or if the Board sees any issue they try to resolve it so that's what he did. He also told the Board that after speaking to the residents, they wanted stop signs on every corner in the South Woods Development. He told the Board that this intersection had the most issues and it almost affected another child. He told the Board that a stop sign is not a power play but he feels better that it may stop another child from getting hit or injured again.

Councilman Reynolds stated that every stop sign is born from an accident or a perceived threat or real issue. He continued talking about a procedure that was circumvented for good/bad reasons but tonight he asks the Board to schedule a Public Hearing to resolve this issue and so residents can come speak in support or in opposition of this signs. He requests to back up the process and do the signs the right way to determine if the signs should stay or not.

Councilman Messa requested the signs to come down until the process was done the right way and comments on the disregards to the law and the process were heard. He feels it sends a bad perception.

Councilman Reynolds feels it sends a confusing message that there is a stop sing there today and not one tomorrow and he has a concern with that.

Attorney Cully stated that the signs are already up but that the public should have the opportunity to speak and he agreed with Mr. Donovan on that issue. He then reiterated the process that if a Board member wishes to hold a Public Hearing then a date should be set. He explained if someone wants to make a motion to remove the signs at that time then it would come before the Town Board, at that time the motion is made and then seconded and then the signs are removed. He continued to explain to the Board that legally at this point, although the sings are up that they are not enforceable because they were not put up pursuant to the Local Law and the Chief of Police could not write a ticket at this time because they are not proper stop signs but that it's the Boards decision to take the sign down. He also told the Board he has seen the petition and reviewed it and when asking Mr. Donovan for any names he refused not to provide them, he then points his finger and becomes very rude so he explains to the Board it is there decision to have the signs removed or not.

Mr. Donovan loudly objects and requests to speak and address the Board again. He says his Councilman was confused and that after speaking with Mr. Donovan he was aware of interest in the signs but unaware the signs were already up and he also expressed interest in going through the legal procedures. Mr. Donovan then asked the Supervisor why he's leading him to believe his Councilman was onboard with the placement of the signs.

Supervisor Miscione stated he is not here to point fingers at anyone and told Mr. Donovan that any time he calls him personally that he helps him with any problem or issue and that he takes care of any issues. He stated he has an overabundance of residents that wanted these signs due to child safety. He told Mr. Donovan that he will always be the first person to make sure the children are safe. He told the Board this is no abuse of power and he's in contact with the Board on every issue but this situation was different and he acted. He continued conversation with the Board saying if they wanted a special meeting on this issue that he's in favor of it and would come in for it. He told the Board again this was not about pointing fingers at anyone; it's about the safety of the children. He said if it were not for the COVID Pandemic, then the proper procedures would have been followed but this summer has been different for everyone and hard for all. He also told Mr. Donovan if he had any storm issue he would be the first guy over there dealing with it, that's who he is.

Mr. Donovan asked to see the petition that supervisor Miscione was referring to and what the narrative said and what the residents were told when asked to sign the petition.

Supervisor Miscione reassured everyone that everyone was fully aware of what they were signing and fully in favor the stop signs.

Attorney Cully read aloud the petition that was filed with Town Clerk's Office on July 18, 2020 which stated "Stop Sign Petition" and read that we, the undersigned residents of South Woods do hereby petition the Town of New Hartford to install a four way STOP SIGN at the intersection of Viburnum Road & Iron Wood Road. (Said petition included names and addresses and checked whether the resident agreed or disagreed) and he stated the petition had 73 signatures and included the letter from a resident.

Mr. Donovan stated the residents were not aware of an incident report provided by the Police department that was FOILED on July 18, 2020 of the incident report at that intersection which shows that there were no incidents other than the one reported and they talked about it earlier. He feels the petitioners were asked to sign a petition and evidentially were not aware of the history of the subdivision or the intersection in question and he feels they were shared a great deal of antidotal information by certain individuals.

Supervisor Miscione spoke up and disagreed with Mr. Donovan and said the residents on the petition were the ones who wanted the four way stop sign and spoke highly about how great the signs were and how happy they were the signs were up and raved at the recent food truck event in the neighborhood.

Mr. Donovan stated he went through the intersection at question the day of the food truck event and the food truck was serving food on the street and that the truck was parked on the public right away (in the road) and on a residents lawn and they were being served food in the road. So Mr. Donovan questioned the Board on the issues of public safety and children's safety and traffic safety. He told the Board that people couldn't drive through without pedestrians moving out of the road. He continued to tell the Board that no one here would argue with him about any of the above issues because he had a niece killed by a driver who ran through a stop sign, so there's not any need lecture him on children's safety.

Councilman Lenart wished to clarify a fact. He stated that when this issue first started he had a phone conversation with Supervisor Miscione and he was told the neighbors approached him and he felt there was going to be a need for the stop signs. He continued to say Supervisor Miscione asked Councilman Lenart if he had any issues with this signs and that Supervisor Miscione would then take the lead on it since he lived in the neighborhood and that he would follow through and make sure it was done the way it was supposed to be done. He stated that after the signs were installed that there was no need for contact as he did not know if the signs went up or not. He told the Board there never was any discussion as to whether the signs were going to be installed or not. He reiterated that the discussion that took place was for the need of the signs. Councilman Lenart was fine with the signs if the neighborhood felt there was a need for them and told Supervisor Miscione to do what he had to.

Upon recommendation of Councilman Lenart, who requested a motion be made for a public hearing be set forth and for a Local Law on the installation of a four way stop sign at the intersection of Viburnum Lane and Iron Wood Road, seconded by Councilman Woodland.

(RESOLUTION NO. OF 2020)

Discussion:

Highway Superintendent Sherman stated his Highway crew was the ones who installed the signs and while they were there working that many residents stopped and thanked the Highway Department.

Highway Foreman Chris Moran commented that about 10 or 12 people stopped all with positive comments and none of which were negative.

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize a special Town Board meeting to hold a Public Hearing on August 5, 2020 at 6:00 P.M. to be held at the

Town Hall at 8635 Clinton Street, New Hartford, NY 13413 in the Court Room. The Town Board further authorizes the Town Clerk to publish notice in the Observer Dispatch and notify resident within a 50 mile radius. Town Attorney notified the Town Board they will need to be limited to the 50 persons limited in one room at a time for speaking due to the COVID 19 Pandemic and Governor Cuomo's executive order but a television can be placed in hall for viewing and doors can be left open and they will have access off the Towns facebook page but that this will be an open meeting and everyone will have access as directed by the Board.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly ***ADOPTED***.

Town Clerk Committee:

Games of Chance – Raffle Tickets:

The following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Reynolds:

(RESOLUTION NO. ... OF 2020)

RESOLVED, that the New Hartford Town Board does hereby grant permission to Our Lady of Lords Church., an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

ATM Machine – Town Hall:

A600	\$170,415.97
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B600	\$ 9,809.54
BP600	\$ 65,801.88
DB600	\$287,792.36
HFM600	\$ 8,730.50
HPQ600	\$ 68,425.71
SS600	\$ 24,331.84
TA600	\$ 17,394.15
TOTAL RECORD OF CLAIMS TOTAL #6	\$652,701.95

RECORD OF CLAIMS #7

#'S 3664-3666 (3666 VOIDED)

A600	\$10,000.00
DB600	\$ 3254.00
TOTAL RECORD OF CLAIMS TOTAL #7	\$13,254.00

RECORD OF CLAIMS #8

#'S 3667

DB600	\$ 888.00
TOTAL RECORD OF CLAIMS TOTAL #8	\$ 880.00

TOTAL RECORD OF CLAIMS 1-6 **\$884,115.20**

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Agreement 2020-21 School Safety Officer

Upon request of the Police Chief Inserra, the following Resolution was offered for adoption by Councilman Lenart; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute the 2020-21 Agreement for Services New Hartford Central School

Safety Officer Agreement with New Hartford Central School, at no cost to the Town of New Hartford.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly *ADOPTED*.

Agreement 202-20 School Resource Officer Program

Upon request of the Police Chief Inserra, the following Resolution was offered for adoption by Councilman Lenart; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute the 2020-21 Agreement for Services, by and between the Town of New Hartford Police Department, New Hartford Central School District - Safe Schools/Healthy Students Initiative, at no cost to the Town of New Hartford. Said Agreement shall expire on June 25, 2021.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly *ADOPTED*.

Bid Opening – Upgrades to Fairway Estate Sewer Pump Station

Highway Superintendent Sherman reported that four (4) companies submitted bids on the Upgrades to the Fairway Estates Sewer Pump Station on June 16, 2020.

1. MCJ Construction LLC	\$158,500.00
2. Usmail Electric Inc.	\$139,890.00
3. Spensieri Diversified LLC	\$206,000.00
4. Kahrs Construction	\$184,000.00

thereafter, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept the bid submitted by Usmail Electric, Inc., 800 Cider Ave., Yorkville, NY 13495 and does hereby award the contract to said Usmail Electric Inc. for the Upgrades to the Fairway Estates Sewer Pump Station, (total rebuild with generator) pursuant to his bid submitted, subject to the submission of all insurance, bonding and items required in the bid specification packets.

The Board voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Whitter Road – Town Road:

Whitter Road: Town Attorney Cully reported that upon request of Councilman Reynolds, he researched Whitter Road which has never been built and it appears that the Town does own Whitter Road.

Bid – Bucket Truck:

Highway Superintendent Sherman explained to the Town Board that the 1997 Chevy Bucket Truck was a National Grid truck that was purchased in 2008 and has sufficed its years and no longer passes inspection. He stated the Boom can no longer be operated unless it's a manual operation which is dangerous to the employees so it was taken out of service. He explained this truck is very valuable to the Town as it is used for trimming trees, changing street lights, traffic signal bulbs etc.

Bid Authorization – 2007 or newer Bucket Lift Truck

Upon request of the Highway Superintendent Sherman, the following Resolution was offered for adoption by Councilman Reynolds; seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Highway Superintendent to advertise for Bid for a 2007 or newer Bucket Lift Truck. Said Bids shall be received and opened on August 18, 2020; said truck should not exceed a cost of \$12,000.00.

FURTHER RESOLVED, that the Highway Superintendent Sherman has authorization to sell the 1997 Bucket Lift Truck through Auctions International and said profits (estimated value of around \$5,000.00) will offset the cost of the new truck to be purchased.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Goodrich New Hartford, LLC (former Kmart) Tax Certiorari Settlement:

Councilman Lenart introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

Discussion:

Town Attorney Cully explained that Goodrich LLC (former Kmart Plaza) that they brought a tax certiorari for the fiscal years of 2018, 2019 & 2020. The Courts were pushing the Town to get appraisals which is very expensive. He explained to the Town Board that the Town Assessor Darlene Abbatecola, Town Supervisor Miscione and himself had met with them over a year ago to try for a settlement before a lawsuit was brought against the Town but was unsuccessful at reaching an agreement at that time. The Town will spend \$30,000 to \$40,000 on an appraisal. In one last attempt to reach an agreement a meeting was scheduled with Bob Nole, the New Hartford Central School Superintendent, The New Hartford School Attorney, the Attorney representing Goodrich, The Town Supervisor Paul Miscione and the Town Attorney Cully where they were able to achieve a very successful disposition as it relates to the Town especially because Goodrich was willing to waive one of the years that they would have been entitled to a refund. Town Attorney Cully further explained to the Board they were trying to reach a settlement before the school tax bills came out because the School was concerned with the refund due. This settlement saves the Town legal fees, appraisal costs and this saving is more than what the Town would spend in legal fees alone. Town Attorney Cully also explained when the Sangertown certiorari was done the Town spent over \$100,000.00 just in the appraisal alone and the Town lost. The Town expert appraiser felt the highest figure for full value he could support was 7 million dollars. The property is currently at over \$10 million dollars for full value. This agreement is also very favorable for the New Hartford Central School District and also for the Town of New Hartford.

RESOLVED that the New Hartford Town Board does hereby accept and approve the settlement agreement for the Goodrich LLC tax certiorari for the fiscal years of 2018, 2019 & 2020 based on the terms below.

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Year	Current	Assessment	Full	Refund
2018	\$8,338,000.00	\$5,199,000.00	\$6,700,000	full refund
2019	\$8,698,000.00	DISCONTINUED		
2020	\$8,698,000.00	\$5,400,000.00	\$7,500,000	full refund

Continue for 3 years at 2020 rate.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

HOMELAND TOWER EASEMENT – SHERRILLBROOK PARK:

National Grid requested an easement for their electrical service and maintenance to the tower, etc. to the site in the Sherrill Brook Park. Homeland Tower is paying the Town rent to have the Tower placed on this site.

Upon request of Supervisor Miscione, the following Resolution was offered for adoption by Councilman Reynolds; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute an access easement to Homeland Towers, LLC, 9 Harmony Street, 2nd Floor, Danbury, CT 06810 as stated in the map. Town Attorney Cully will double check to see if this easement is subject to permissive referendum. .

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

FRANCHISE FEE REFUND/AGREEMENT:

Upon request of Supervisor Miscione, the following Resolution was offered for adoption by Councilman Woodland; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to accept the cable franchise (Charter Communications) fee agreement/refund in the amount of \$\$53,421.00.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly *ADOPTED*.

TROY & BANKS CONSULTANTS - CABLE FRANCHISE FEE REFUND – INVOICE:

Upon request of the Supervisor, the following Resolution was offered for adoption by Councilman Reynolds; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Finance Office to pay Troy & Banks Consultants, 2216 Kensington Avenue, Buffalo, NY 14226 there one-time payments of \$21,368.40 for their professional services rendered fee regarding the cable franchise (Charter Communications) fee agreement/refund in the amount of \$\$53,421.00.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly *ADOPTED*.

Shared Services Agreement 2020-2024 NYSDOT:

Upon request of Highway Superintendent Sherman, the following Resolution was offered for adoption by Councilman Messa; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute the Shared Services Agreement for Services between the Town of New Hartford and New York State Department of Transportation, effective July 3, 2020 and ending July 3, 2024 as the terms set forth.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Traffic Diversion Agreement With Oneida County:

Police Chief Inserra is reviewing the terms of said agreement with Town Attorney Cully and both New Hartford Judges and would like this agreement tabled until the next Town Board Meeting.

PETTY CASH REIMBURSEMENT – COURTS:

Upon request of the Police Chief Inserra, the following Resolution was offered for adoption by Councilman Woodland; seconded Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the replenishment of the Courts petty cash fund in the amount of \$42.50 for miscellaneous office supplies purchased at Wal-Mart Distribution Center.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Real Property Tax Service Aide – Teresa Webb Reinstated:

Upon request of the Supervisor, the following Resolution was offered for adoption by Councilman Lenart; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Real Property Tax Service Aide Teresa Webb to return to normal duties effective Monday, July 26, 2020 at her regular salary. Teresa Webb was out on unemployment due to the COVID-19 Pandemic.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Extend Town Code Law – Tents:

Upon request of Supervisor Miscione, the following Resolution was offered for adoption by Councilman Reynolds; seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor to and the Codes Department to not act on the Town Code & Law that pertains to tents due to the CORONA 19 Pandemic. This resolution extends the number of days businesses can have temporary tents up outside from 20 days until November 1, 2020 where the Town Board will review this resolution and see where the pandemic is or until the COVID 19 Virus is gone.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

BOND PAYMENTS & AUDIT UPDATE:

Town Supervisor Miscione updated the Town Board by saying all Bond Payments have been made and are up to date. He also updated the Board on the 2019 Town Audit by saying it will be done in a couple weeks. He told the Board the Supervisors Report is available for their review.

COVID 19-FEMA GRANT:

Town Supervisor Miscione told the Town Board that FEMA has a COVID 19 Grant for Municipalities that will help pay for equipment, repairs needed (doors, etc.), it offers reimbursement for labor, etc. He asked the Board for some of their thoughts and ideas of where the grant can be beneficial to the Town.

IT Agreement – Bondar Tech

Supervisor Miscione presented the Town Board with a contract from Bondar Tech for the Town IT Support. This agreement is a monthly fee of \$1,500.00 opposed to Polcie who is \$2,328.50 per month. This issue was tabled for a presentation from Bondar Tech.

BID: RECREATION CENTER SOUND SYSTEM:

Because the existing speaker system at the Recreation Center broke, the Town Board received three Quotes for the new sound system that's to be installed in the center of the rink at the Recreation Center which is a budgeted item.

- Big Apple Music \$6,700.00
- Full Compass Systems, Ltd. \$8,863.13
- VR Shopping Network \$8,300.00
-

Councilman Lenart introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

Discussion:

Councilman Messa shared hesitation on spending extra monies at this time especially with the recreation center having a leaky roof and wanted to know what repairs were left to fix.

Supervisor Miscione stated this is a Town asset that the Board needs to put monies into and he said the roof has been leaking for years. He said their cleaning up the outside of the building and fixing the windows and doors, the Town bought the chiller because they were spending a lot of money fixing the old one.

Councilman Messa asked Supervisor Miscione for a project list to show expenses and Supervisor Miscione stated it's all in the budget.

Supervisor Miscione also explained to the Board that they will see invoices for metal, paint, doors, locker rooms, side walls etc. but there trying to bring the Recreation Center up to standards. He told the Board to come down and take a look at it and he will go over everything with them.

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Councilman Reynolds verified the paving project will be done this summer along with the other door renovations. Councilman Reynolds said there all good projects because the building does get used and it needs to be done.

Supervisor Miscione said the Town is saving a lot of money because there running the projects themselves, where if they had to go out to bid it would cost a lot more and these projects are really dressing up the Recreation Center and this is an asset to the Town. Supervisor Miscione told the Board the only project above and beyond the budget would be the roof which he's looking into the last contractor who repaired it and the warranty.

Town Attorney Cully stated he had to resend the letter to the Contractor because the address on the contract was the wrong address so he had to research how to contact the company and resend the letter.

Supervisor Miscione stated he has a possible solution if the warranty doesn't work with metal and Styrofoam for the roof.

RESOLVED that the New Hartford Town Board does hereby accept and approve the low bid from Big Apple Music, LLC, 8441 Seneca Turnpike, Suite E, New Hartford, NY 13413 in the amount of \$6,700.00 to install an Octagon speaker hung at center ice and octagon half speaker hung at end of rink for high bleachers, and amplifiers for power and installation.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

SUMMER PROGRAM CANCELLED:

The Town Supervisor Miscione reported that because of the Governor's mandates and the COVID 19 pandemic the summer program is not within the phases of opening and at this point it's not until July so because there's no way to hire any employees by the July 1, 2020 summer program. The Town would love to have it but there's no time. The Town Board authorized Personnel Director Barb Schwenzfeier to post the notice of cancellation on the Towns website and on facebook.

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby agree to cancel the Parks Summer Programs for the fiscal year of 2020 due to the COVID 19 pandemic and Governor Cuomo's mandates. They also approve Personnel Director Barb Schwenzfeier to post the cancellation notice.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

OPENING OF PAVILLION, DOG PARK & PICKLE BALL & TENNIS COURTS:

Town Attorney Cully thought Parks & Recreation was in phase 4 of the Governor's reopening mandates but tennis and walking is encouraged.

Supervisor Miscione stated that the dog park, tennis courts, pavilions and the pickle ball courts are being used at this time and residents are using social distancing and being responsible so he's asking for the re-opening of both.

Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby agree to re-open the dog park, pickle ball, tennis courts and pavilions with signs posted about social distancing & being responsible. The passing of this resolution is contingent to Town Attorney Cully's approval and clarification as he's going to look into Governor Cuomo's regulations and State regulations as to be sure the Town is in compliance.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**

FARMERS MARKET:

Supervisor Miscione recommended they continue on with the Farmer's Market as Oneida County is starting there's.

Councilman Lenart introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby agree to continue on with the Farmer's Market in the Sherrill Brook Park for the 2020 season and does further agree to waive all Town permit fees and help with signage. The food trucks will be added once things progress with opening.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

BLOOD DRIVE-SENIOR CENTER:

Supervisor Miscione stated Oneida County is still allowing Blood Drives but because schools are shut down he has a request to use the Senior Center on May 29, 2020 at no charge from 12:30 to 5:00.

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize Oneida County to conduct a Blood Drive in the Senior Center at no charge on May 29, 2020 from 12:30-5:00 P.M.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

TOWN HALL REOPENING:

Councilman Messa asked about the building reopening and Supervisor Miscione stated he's waiting for the County to give approval and they haven't done that yet but although it's not open to the public staff is still working.

BUDGET ADJUSTMENT-INSURANCE DEDUCTIBLES:

Supervisor Miscione presented Town Attorney Cully with the deductible invoices and Town Attorney Cully requested to see the insurance policy it's out of before any action is made on budget adjustments.

APPOINTMENT – ZONING BOARD MEMBER:

Councilman Messa stated they had two responses to the Zoning Board Appointment to fill Terry Tesak's term who served over 10 years.

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby appoint Michele Mandia to fill the unexpired term of Teras Tesak effective June 10, 2020 and expiring June 9, 2025 upon her oath of office.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

STORMWATER STUDY UPDATE:

Councilman Messa inquired if the Study being done has been finalized to date and Supervisor Miscione reported it has not been finalized as they are still doing ground work and finding issues and retention

ponds but he hopes it will be finalized with a report and present a demonstration by the end of July 2020.

ONEIDA STREET PROPERTY:

Councilman Messa stated that NRCS came through and approved the project at the Oneida Street property owned by Christine Martin and to cover the cost up to 75% if the Town covers 25% which was previously declared an emergency at the November 20, 2019 meeting. He reported Mrs. Martin got the approval from DEC declaring an emergency so the project can begin if the Town sponsors it. Councilman Messa agrees with NRCS with regards to the building and the creek and requests a motion to move this project forward with Town sponsorship.

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Lenart;

(RESOLUTION NO. OF 2020)

Upon recommendation of Town Attorney Cully the Board passed the following resolution:

EXECUTIVE SESSION:

EXECUTIVE SESSION

Councilman Lenart then offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into executive session at 7:00 P.M. to discuss pending litigation matters where a Notice of Claim has been filed related to the former Word of Life Church.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended at 7:57 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

END EXECUTIVE SESSION

Councilman Messa then offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end executive session and reconvene the regular Town Board Meeting.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:57 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Discussion:

Town Attorney Cully presented the motion on the floor and to clarify it was multiple motions.

RESIND PRIOR MOTION:

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby rescind the Motion or motions on the floor prior to executive session to sponsor the Oneida Street Project with a 25% cost to the Town. Town Attorney Cully clarified it's a motion to withdraw the motion currently pending.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**

SPONSORSHIP OF THE ONEIDA STREET PROJECT:

Council Messa requested a motion for the Town to sponsor the NRCS project on Oneida Street.

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby agree to sponsor the NRCS project on Oneida Street owned by Christine Martin.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

NRCS Project on Oneida Street – 25% Fee:

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby agree to pay the 25% fee that is not covered by the grant (approximately\$31,250) with the NRCS project to build the wall on Oneida Street on the Martin property.

Discussion:

Councilman Reynolds stated NRCS has some liability in this matter and it's his belief and understanding the Town at the time asked NRCS to extend the wall project which would have covered the questioned area. He thinks that the fact the wall ended where it did exastabared the problem, so he feels they have some liability here.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Ney
Woodland	-	Ney
Supervisor Miscione	-	Ney.

This Resolution was declared **FAILED....**

Councilman Messa questioned if Christine Martin should go to NRCS for the 25% and Attorney Cully stated the Town should go out for a print because it's his understanding they had a specific request from Highway Superintendent Sherman to extend the wall and NRCS determined they did not have the funding at that time and they did not comply with the Town's request for the wall to be extended. He feels the Town should help this citizen to the greatest extent provided and with information as he understands it, she has everything through FOIL (freedom of information law) but certainly anything the Town can do to assist her in her efforts then it should be done. Supervisor Miscione agreed with Town Attorney Cully that NRCS has liability as their engineering work was wrong so he suggested Christine Martin go after NRCS for the 25% extra but continued to say if not then she should be responsible for the 25% and the Town will just sponsor the project which is a win/win for everyone.

Salary- Deputy I Melody K. Fancett

Councilman Messa brought up Deputy Clerk I Melody K. Fancett's e-mail requesting a stipend of \$10.50 per hour retroactive to March 1, 2020 as she has taken on the duties of Deputy Clerk II which is currently vacant.

Councilman Woodland asked what extra duties are involved and Deputy Clerk I Melody K. Fancett responded with the Town Board Minutes, Mail, Customers, all the various licensing, (dog, marriage etc.) parking permits, she explained normally there is two of us but now everything is on her and she's keeping up and doing the duties and this is a budgeted position. Supervisor Miscione asked about the Deputy Registrar Kayla Empey and why she can't assist with extra duties. Deputy Clerk I Melody K. Fancett explained she's very busy with death certificates and that she is also assisting the Deputy Registrar Empey with her duties of birth records through the mail and customers. The Board urged Kayla Empey to answer more phone calls as they are getting several complaints. Deputy Clerk I Melody K. Fancett told the board there's a lot of time that's she's not taking a lunch hour and working nights and weekends to keep up which is not an issue for her, the issue is she would like to be compensated for the extra duties until the position is filled. Supervisor Miscione stated the lunch hour is mandatory by law and she needs to take the hour and abide by New York State Labor Law. Supervisor Miscione stated he would be more comfortable consolidating the two positions into one which would save the Town money. He also asked if some tasks could go to the Deputy Registrar Kayla Empey and the Town Clerk Gail Wolanin Young responded no because her work is full time work as it is. Supervisor Miscione stated she can certainly take on some extra little duties to help the office out so the Town doesn't have to hire another full time position then give Melody Fancett her stipend to make her a happier employee. Town Clerk Gail Wolanin Young commented the Deputy Registrar is still provisional as she has not taken the Civil Service Test yet. Melody K. Fancett stated she was only asking for the stipend to be temporary until the position is filled but has no complaints with taking on both jobs as long as the Board was aware some overtime will be required as it's a lot of work and can't be done in 8 hours. Supervisor Miscione questioned Town Clerk Gail Wolanin Young to make sure she's ok with this agreement (Melody K. Fancett taking on both the Deputy I and the Deputy II full time job) because she's a department head and the Board can't make that decision for her. This still would leave the part-time position still in the budget. They will discuss the salary in executive session if Gail Wolanin Young, Town Clerk is ok but he's

not in favor of anything retroactive. Melody K. Fancett explained her job is at the leisure of the Town Clerk and is not a civil service position. Town Clerk Gail Wolanin Young said she's comfortable with this change. The Board did state they will not fund the position as long as Melody K. Fancett is doing both jobs. Town Attorney asked if the FOIL's were an issue, and Deputy Clerk I stated no, FOIL's were not an issue but clarifying the law may be but that's where the Town Attorney comes in. Supervisor Miscione asked Town Clerk Gail Wolanin Young to ask her Deputy Registrar Kayla Empey to answer phones more and start taking messages more. Deputy Clerk I Melody K. Fancett stated a part-time person at 17 ½ hours which is budgeted would be very beneficial as to just answering phones and taking messages. Supervisor Miscione stated the phones are very important and it would be a better process. Supervisor Miscione did state he's not in favor of going retroactive. Deputy Clerk I Melody K. Fancett did state the salary would be the key because she's already one of the lowest paid employees with the Town who has already taken on several extra duties with no compensation. The Deputy II position will not be eliminated and will remain vacant and unfunded as long as Deputy Clerk I Melody K. Fancett does the job. Town Clerk Gail Wolanin Young did say the Deputy Registrar Kayla Empey can answer more calls and take messages if she's available. The call volume is constant and extremely high all day. Melody K. Fancett did express that the part-time person would be extremely important to me doing both positions to elevate the phones, and small duties.

EXECUTIVE SESSION:

Councilman Messa then offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into executive session at 8:00 P.M. to discuss a specific employee.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:31 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

END EXECUTIVE SESSION:

Councilman Woodland then offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end executive session and reconvene the regular Town Board Meeting.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:31 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

SALARY ADJUSTMENT-DEPUTY CLERK I MELODY K FANCETT:

Councilman Messa introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the salary increase for Deputy Clerk I Melody K. Fancett to \$23.00 per hour effective May 14, 2020 due to the extra duties of Deputy Clerk II, which is vacant and due to the fact the Town Clerk's Office will not fill the Deputy II position.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Councilman Messa asked for some past minutes (November 20, 2020) to be corrected as the wrong Councilman was listed in the vote roll call. All minutes were tabled for corrections and rechecking. Highway Superintendent Sherman explained what his guys were doing and how the COVID 19 is working with them. They are all on split shifts as of Monday; they are all working together, keeping their distance and all wearing masks and PPE equipment.

The BMX society has requested to participate in the Sherrillbrook Park having tournaments with the course to be built through a grant (\$25,000.00). The Town would have to clear some wooded areas where they now have dead trees but it would be available for public use. They are interested in the Town because of the hotels and restaurants as many of the participants of the tournaments and travel

with kids. Some of the terrain would be paved and some would be dirt. It's a fun, big sport and it would be in a controlled environment. The question of liability insurance was mentioned and Supervisor Miscione stated they would have their own insurance and would run their own events. Anyone including Town residents could participate in events, competitions and tournaments. Supervisor Miscione said if the Board is interested he will have them come do a public presentation and Councilman Reynolds is interested in hearing more about the location in the Park. Councilman Lenart questioned if the Town was being asked to sponsor events and Supervisor Miscione stated no, it's just an addition to the Parks. Councilman Messa was a bit concerned with the jumps and the liability. Supervisor Miscione stated it will be fenced in and controlled. He said if the Board is interested in natural activities then he will spend more time in getting the presentation together for the Board. Attorney Cully was interested in looking at other municipalities with similar events and how they do it. There was talk if the course could be bigger they could be chosen to host a national race but where they are located now it does not have the ability for that. There looking for a better location. A demonstration will be forthcoming.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Woodland, the meeting was adjourned at 8:31 P.M.

Respectfully submitted,

Melody K. Fancett, Deputy Clerk I